

REMARKS

The Office Action mailed January 20, 2006 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-40 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bell (U.S. pat. no. 6,701,443).

As amended, claims 1-40 now all include a negotiator, which, taking claim 1 as an example, is

capable of communicating with other power source equipment, other powered devices, and/or other negotiators associated with such other power source equipment and other powered devices, to thereby negotiate a resolution to at least one inline power allocation issue arising from existing or predicted changes in power draw requirements and/or power supply characteristics communicated to the first negotiator by the other power source equipment, other powered devices, and/or other negotiators.

Bell does not disclose such a negotiator. Rather, in Bell, a power apparatus (26) includes a controller (30), signal generator (32) and detector (34). These components of the power apparatus operate to discover a “powerability” condition of the network, in order to determine if a powered device exists such that power can safely be transmitted thereto over the network. This avoids sending power over the network when no such device exists, which could harm other equipment.

These functions of Bell cannot be equated with negotiation as claimed in the present application and described in the supporting disclosure. Whereas in Bell only a determination of the presence or absence of a powered device is made, in the presently claimed invention power allocation issues are resolved through negotiations, which are more than simply determining the presence or absence of a device. Negotiations imply consideration of the requirements of the different devices and reaching for example a hierarchical solution, reallocating power from one port or powered device to another, immediately shutting off power to all low priority components, or implementing power savings incrementally. These and other solutions are discussed in for example paragraphs [0017] and [0018] of the specification.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection based on Bell is respectfully urged.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

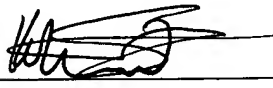
If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, L.L.P.

Dated: April 20, 2006



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